

M. GALE LEMMON #4363
Assistant Attorney General
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Attorney General
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Salt Lake City, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

OK JOE HEMSATH
975 South 250 West, #E
Provo, UT 84601
License No. 139568

**STIPULATION
&
ORDER**

Docket No. 2005-058-HL

Enf. Case No. 1618

STIPULATION

1. Respondent, OK Joe Hemsath, is a licensed insurance agent in the State of Utah, holding License No. 139568.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
 - d. Respondent and Complainant have negotiated the terms of the Order entered

herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 9 day of January, 2005.


OK JOE HEMSATH


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about October 26, 2004, Respondent wrote a letter addressed to Pyramid Life Insurance Company, United Teacher Associated and the Utah Insurance Department, representing the letter to be that of insureds who were residents of the State of Utah, when those insureds did not write the letter, know of its exact contents, or see the letter.

2. On or about January 18, 2005, in responding to an inquiry from department personnel, Respondent provided inaccurate information to the commissioner regarding said letter.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In making a communication relating to an insurance contract that contained false or misleading information, including being false or misleading because it was incomplete, Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i).

2. In submitting inaccurate information to the commissioner, Respondent violated Utah Code Annotated § 31A-2-202(6).

3. The remaining allegations in the complaint filed in this matter are dismissed with prejudice.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$2,500.00, to be paid in two payments. The first payment of \$2,000.00 shall be made within 30 days of the date of this Order. The second payment of \$500.00 shall be made within 90 days of the date of this Order.

2. Respondent's license is placed on probation for a period of 24 months, beginning with the date of this Order. The terms of probation are that Respondent shall pay the forfeiture assessed herein in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of his license, and the filing of an action to enforce this Order in the District Court which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 9th day of January, 2005.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING


I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION
&
ORDER**

To the following:

**OK JOE HEMSATH
975 South 250 West, # E
Provo, Utah 84601**

DATED this 9th day of January, 2006


Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813

**UTAH
Invoice**

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Date: January 09, 2006

Balance Due: \$2,500.00
Due Date: April 09, 2006
Invoice ID: 269754

HEMSATH OK JOE
PO BOX 95781
SOUTH JORDAN UT 84095

Item Description	Amount
Monetary Penalty Agency	\$2,500.00
Original Amount Due	\$2,500.00

E-Case 1618 Docket 2005-058-HL
\$ 2,00.00 due 2-8-06, balance due by 4- 9-06

**UTAH
Invoice**

E-Case 1618 Docket 2005-058-HL
\$ 2,00.00 due 2-8-06, balance due by 4- 9-06

Date: January 09, 2006

Balance Due: \$2,500.00
Due Date: April 09, 2006
Invoice ID: 269754

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Detach and Return with Payment